

REMARKS

Applicants reply to the Office Action dated March 19, 2010, within three months (June 19, 2010 falls on a Saturday, so filing on Monday, June 21, 2010 shall be considered timely). Claims 1-3 and 5-10 are pending in the application and the Examiner rejects Claims 1-3 and 5-10. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter is entered with these amendments. Applicants respectfully request reconsideration of this application.

Section 103 Rejection

The Examiner rejects claims 1-3 and 5-10 under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. U.S. Patent No. 7,263,506 (Lee) in view of Penzias U.S. Patent No. 5,311,594 (Penzias). Applicants respectfully disagree with these rejections, but Applicants present claim amendments in order to clarify the patentable aspects of the claims and to expedite prosecution.

Independent claim 1 recites (and similarly recited in claims 6 and 7) a method for facilitating the processing of requests for an item that comprises, among other things, **three different evaluation steps**. Each evaluation step considers different criteria. Furthermore, the third type of criteria (i.e. override criteria) is evaluated after either the first or second evaluations indicate that there is a high fraud risk. The second criteria is selectively evaluated after the first evaluation indicates that there is no high risk of fraud. By virtue of these features, the claimed invention provides a very specific method that can reliably and efficiently detect fraud in the processing of a customer's request for an item, while at the same time allow for legitimate requests to ultimately be processed.

The Examiner submits that Lee discloses a fraud prevention system that evaluates data about a transaction which is related to the customer. While this general proposition may be true, the way that Lee executes this system is different than what claims 1, 6, and 7 recite. Lee is limited to a system that reduces fraudulent purchase by using a centralized scoring system that returns a single score that the merchant may then use to execute, dispose of, or request more information for a transaction. See Lee Col 5 line 63 – Col 6 line 10. As such, while the scoring system may be the first evaluation of the first set of criteria, Applicants assert that Lee fails to disclose a second evaluation, a third evaluation, a second criteria, and an overriding criteria.

Assuming, *arguendo*, that Lee does disclose more than one evaluation and/or more than one criteria (let alone three of each), Applicants assert that Lee still fails to disclose the selective nature of the second evaluation. Furthermore, Lee fails to disclose a structure, wherein an indication of a high risk from either the first or the second evaluation would cause the third evaluation of the overriding criteria.

Applicants further submit that the secondary citation to Penzias fails to cure the deficiencies of Lee. Penzias is cited in the Office Action as suggesting a process that includes requesting certain information from a card holder. Nevertheless, Applicants submit that Penzias fails to disclose or suggest the features discussed herein that are not disclosed or suggested by Lee.

Accordingly, for at least the foregoing reasons, Applicants submit that amended independent claims 1, 6, and 7 are patentably distinguishable from Lee and Penzias. As such, Applicants request that the Examiner allow claims 1, 6, and 7 over the cited references.

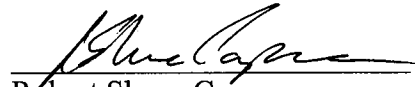
Dependent claims 2, 3, 5, 8-10 variously depend from claims 1 and 7, so Applicants assert that dependent claims 2, 3, 5, 8-10 are allowable over the cited references for the reasons set forth above, in addition to their own unique features, some of which are stated above.

CONCLUSION

In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: June 21, 2010


Robert Shane Capps
Registration No. 66,045

SNELL & WILMER L.L.P.
One Arizona Center
400 E. Van Buren
Phoenix, AZ 85004-2202
Phone: (602) 382-6347
Fax: (602) 382-6070
Email: scapps@swlaw.com